

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on March 17, 2000, and the references cited therewith.

Claims 15 and 59 are amended, no claim is canceled, and no claim is added; as a result, claims 11-21 and 59-61 are pending in this application.

Prematureness of the Final Rejection

Claims 11-21 and 59-61 were rejected under 35 USC § 102(b) as being anticipated by Manning (U.S. Patent No. 5,652,724). The statutory language of section 102(b) provides that "[a] person shall be entitled to a patent unless ... the invention was patented ... more than one year prior to the date of the application for patent in the United States." The patent date of Manning is insufficient to support the rejection under section 102(b). Thus, the rejection is improper. The Office has rejected twice under section 102(b) under Manning, yet each time the Office has failed to remedy the improper rejection. Because the rejection is improper, the Final Office Action is premature and should be withdrawn.

§102 Rejection of the Claims

Claims 11-21 and 59-61 were rejected under 35 USC § 102(b) as being anticipated by Manning (U.S. Patent No. 5,652,724). Applicants respectfully traverse.

The MPEP requires that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See MPEP sec. 2131. The Office fails to show that Manning discusses the identical invention, which is claimed in applicants' application. For example, applicants are unable to find and the Office fails to show where Manning discusses subject matter involving "switching circuitry for switching between a first pathway and a second pathway depending on which of said patternless addressing scheme and said patterned addressing scheme is selected."

The Office interpreted that the "patternless addressing scheme" of the applicants' application is disclosed by "the data output buffer has a two stage pipeline mode of operation." See Manning at column 3, lines 27-28. The Office further indicated that "[i]nternal address generation with a pipelined data output provides for faster data access...." See Manning at

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column 3, lines 40-43.

The MPEP requires that “[d]uring patent examination, the pending claims must be ‘given the broadest reasonable interpretation consistent with the specification.’” See MPEP sec. 2111. Applicants respectfully submit that the interpretation of the Office is neither reasonable nor consistent with the applicants’ specification. Applicants’ specification discusses how to switch depending on which of the patternless addressing scheme and the patterned addressing scheme is selected.

On the other hand, Manning discusses a burst EDO memory device having a pipelined output buffer. See the Title of Manning. It is unreasonable to interpret the pipelined output buffer of Manning as the patternless addressing scheme of the applicant’s application. This is apparent where Manning discusses that “[i]nternal address generation with a pipelined data output provides for faster data access...” If Manning is about “internal address generation” coexisting with the pipelined data output, then it is unclear why there is a need to switch. Manning does indicate that the ability “to switch between a standard non-burst mode and a high speed burst mode allows the device to be used to replace standard devices.” But unlike the applicants, Manning fails to discuss how to switch. In short, what Manning discusses is not identical to the subject matter of applicants’ invention, and therefore, the rejection is improper.

Regarding claim 11, the Office cited Manning at Figure 1; column 3, lines 27-45; and column 7, lines 35-64. Applicants cannot find where Manning discusses how to switch. The Office fails to show with any particularity which components of Figure 1 allegedly comprise the switching circuitry as claimed in the pending claims, yet this is the second time the Office has cited Figure 1 of Manning.

Because the rejection is improper, it should be withdrawn. Reconsideration and allowance of claims 11-21 and 59-61 is respectfully requested.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly solicited. The Examiner is invited to telephone Applicant's attorney at (612) 371-2129 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

Sept 18, 2000

By



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box AF, Assistant Commissioner of Patents, Washington, D.C. 20231 on September 18, 2000.

Name

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Signature

